

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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:  
UNITED STATES OF AMERICA, :  
: 09-CR-270 (SJ)  
v. : July 29, 2010  
CARLOS ANDRES MESA CARRILLO, :  
: Brooklyn, New York  
Defendant. :  
:  
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING  
BEFORE THE HONORABLE MARILYN D. GO  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: LORETTA LYNCH, ESQ.  
UNITED STATES ATTORNEY  
BY: CAROLYN POKORNY, ESQ.  
ASSISTANT U.S. ATTORNEY  
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Brooklyn, New York 11201

For the Defendant: ALESSANDRA DEBLASIO, ESQ.

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Proceedings recorded by electronic sound recording,  
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1                   THE CLERK: Criminal Docket 09-270, United States  
2 v. Mesa Carrillo.

3                   Counsel, please state your appearances for the  
4 record starting with the government?

5                   MS. POKORNY: Carolyn Pokorny for the government.  
6 Good afternoon, your Honor.

7                   MS. DEBLASIO: Good afternoon, your Honor.  
8 Alessandra DeBlasio for defendant Mesa Carrillo.

9                   THE COURT: I understand your client is prepared  
10 to waive indictment and plead guilty pursuant to a written  
11 plea agreement

12                   MS. DEBLASIO: Yes, that's correct, your Honor.

13                   THE COURT: Let me ask our interpreter to please  
14 identify herself for the record.

15                   THE INTERPRETER: Patricia Triana.

16                   THE COURT: Have you been previously sworn?

17                   THE INTERPRETER: Yes, your Honor.

18                   THE COURT: Good afternoon, Mr. Mesa Carrillo.

19                   THE DEFENDANT: Good afternoon.

20                   THE COURT: Now, as you may know, your case has  
21 been assigned to Judge Johnson, and he's the district judge  
22 who will make the ultimate decision whether to accept any  
23 guilty plea in this case, and if he does, he will be the  
24 judge who will sentence you.

25                   I understand that you will be pleading guilty to

1 an information.

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Now, under our Constitution, you have  
4 a right to be charged by indictment of a grand jury. What  
5 that means is that the government may not proceed on a  
6 felony charge unless a grand jury finds by return of an  
7 indictment that there is probable cause that a crime has  
8 been committed by you. If you do not waive indictment, the  
9 government will be required to present the case to a grand  
10 jury and to ask it if there's sufficient evidence to indict  
11 you.

12 Now, a grand jury is composed of at least 16 and  
13 not more than 23 persons, and at least 12 grand jurors must  
14 find that there is probable cause to believe that you've  
15 committed a crime with which you're charged before it will  
16 indict you. The grand jury might or might not indict you.

17 If you waive indictment by the grand jury, the  
18 case will proceed against you in criminal information signed  
19 by the United States Attorney just as if you'd been  
20 indicted.

21 Do you understand?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Have you discussed waiving indictment  
24 by the grand jury with your attorney?

25 THE DEFENDANT: Yes, your Honor.

1                   THE COURT: Have you reviewed this form entitled  
2 "Waiver of Indictment" with your attorney with the  
3 assistance of an interpreter?

4                   THE DEFENDANT: Yes, your Honor.

5                   THE COURT: Counselor, has that been translated by  
6 an attorney or at least the contents of the indictment  
7 discussed with the assistance of an interpreter?

8                   MS. DEBLASIO: Yes. I translated the document for  
9 my client. My client also reads and understands English and  
10 could ask questions if needed.

11                  THE COURT: Is this your signature on the Waiver  
12 of Indictment form?

13                  THE DEFENDANT: Yes, your Honor.

14                  THE COURT: Now, the waiver of indictment refers  
15 to an information, charges relating to bribery in violation  
16 of section 201 of the criminal code, as well as witness  
17 retaliation.

18                  Have you had an opportunity to review the  
19 superceding information with your attorney that you are  
20 waiving indictment to?

21                  THE DEFENDANT: Yes, your Honor.

22                  THE COURT: Do you waive indictment voluntarily  
23 and of your own free will?

24                  THE DEFENDANT: Yes, your Honor.

25                  THE COURT: I understand that you will be pleading

1 guilty to the two counts in the indictment, as well as  
2 agreeing to criminal forfeiture. You have the absolute  
3 right to plead guilty before Judge Johnson, and if you  
4 choose to do so, that will be without any prejudice to you.

5 Do you understand?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Now, Judge Johnson has referred your  
8 guilty plea to me, and I have a form entitled "Consent to  
9 Proceed before United States Magistrate Judge."

10 Have you has an opportunity to review this consent  
11 form with your attorney?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Do you understand it?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Do you give your consent voluntarily  
16 and of your own free will to having me hear your plea?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: And is this your signature on the  
19 consent form?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Since the Court must be certain that  
22 you understand your rights and the consequences of any  
23 guilty plea, I will explain certain matters to you and ask  
24 you questions. If I say anything you don't understand,  
25 please say so and I will re-word; is that clear?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: First, I'm going to ask you to take an  
3 oath.

4 THE CLERK: Please raise your right hand.

5 (Defendant is sworn)

6 THE COURT: Mr. Mesa Carrillo, you have just taken  
7 an oath to tell the truth. Do you understand that if you  
8 answer any of my questions falsely, your answers may later  
9 be used against you in another criminal prosecution for  
10 perjury or making a false statement?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: What is your full name?

13 THE DEFENDANT: Carlos Andres Mesa Carrillo.

14 THE COURT: What schooling or education have you  
15 had?

16 THE DEFENDANT: University studies.

17 THE COURT: Have you had any difficulty  
18 communicating with your attorney?

19 THE DEFENDANT: No, your Honor.

20 THE COURT: Ms. DeBlasio, have you had any  
21 problems communicating with your client?

22 MS. DEBLASIO: No, your Honor.

23 THE COURT: I assume you're fluent in Spanish?

24 MS. DEBLASIO: I never say fluent about anything  
25 but English. so -- but I speak it well enough to

1 communicate, yes, your Honor.

2 THE COURT: Mr. Mesa Carrillo, are you presently  
3 or have you recently been under the care of a doctor or a  
4 psychiatrist?

5 THE DEFENDANT: No, your Honor.

6 THE COURT: Have you ever been hospitalized or  
7 treated for any mental illness or addiction to drugs,  
8 alcohol, or any other substance?

9 THE DEFENDANT: No, your Honor.

10 THE COURT: In the past 24 hours, have you taken  
11 any pills, medicine, or drugs of any kind, or drunk any  
12 alcoholic beverages?

13 THE DEFENDANT: No, your Honor.

14 THE COURT: Is your mind clear as you stand here  
15 today?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Do you understand the nature of these  
18 proceedings?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Ms. DeBlasio, have you discussed the  
21 question of a guilty plea with your client?

22 MS. DEBLASIO: Yes, your Honor.

23 THE COURT: In your view, does he understand the  
24 rights he would be waiving by pleading guilty?

25 MS. DEBLASIO: Yes, your Honor.

1                   THE COURT: Is he capable of understanding the  
2 nature of these proceedings?

3                   MS. DEBLASIO: Yes, your Honor.

4                   THE COURT: Do you have any doubts as to his  
5 competency to proceed?

6                   MS. DEBLASIO: I have no doubts, your Honor.

7                   THE COURT: Have you advised him of the penalties  
8 that can be imposed and discussed the applicable sentencing  
9 considerations, including the sentencing guidelines?

10                  MS. DEBLASIO: Yes, we have discussed all of that.

11                  THE COURT: Mr. Mesa Carrillo, Have you had a full  
12 opportunity to discuss your case with your attorney?

13                  THE DEFENDANT: Yes, your Honor.

14                  THE COURT: Are you satisfied with your attorney  
15 and the assistance she's given you thus far in this matter?

16                  THE DEFENDANT: Yes, your Honor.

17                  THE COURT: Now, I know you've told me you've  
18 discussed the superceding information in this matter with  
19 your attorney, but let me just go over the charges, the two  
20 counts that you will pleading guilty to.

21                  In count one you're charged with the bribery of a  
22 public official, and more specifically the following: That  
23 on or about and between January 1, 1995 and January 21,  
24 2007, you, also known as Ricardo, being a public official  
25 and more specifically a Colombian law enforcement official

1 acting for and on behalf of the United States, did knowingly  
2 and intentionally and corruptly demand, seek, receive,  
3 accept, and agree to receive and accept, things of value;  
4 and more specifically, United States and Colombian currency,  
5 watches, and a motor vehicle; and you did so in return for  
6 being influenced in the performance of one or more official  
7 acts and being induced to do or omit one or more acts. And  
8 all of this conduct is in violation of your official duty.

9 Do you understand the charge in count one?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: In count two, you're charged with  
12 retaliating against a witness; and, specifically, that  
13 charges relates to the same time period between 1995 and  
14 2007. And you're charged with having knowingly and  
15 intentionally engaged in conduct and thereby cause bodily  
16 harm to an unnamed person, whose identity is known to the  
17 United States Attorney, with the intent to retaliate against  
18 this unknown female for providing to a law enforcement  
19 officer information relating to the commission and possible  
20 commission of federal offenses.

21 Do you understand that charge?

22 THE DEFENDANT: Yes, your Honor.

1                   Now, the first and most important thing you have  
2 to understand is that you have a right to plead not guilty  
3 to the charges in the superceding information and to persist  
4 in your plea. Under the Constitution and laws of the United  
5 States, you would then have a right to a speedy and public  
6 trial before a jury, with the assistance of your attorney.

7                   Do you understand?

8                   THE DEFENDANT: Yes, your Honor.

9                   THE COURT: You are presumed to be innocent and  
10 would not have to prove that you were innocent. At trial,  
11 the burden would be on the government to prove beyond a  
12 reasonable doubt that you guilty of the crimes charged. And  
13 the government would have to do so with respect to every  
14 party of each count.

15                   So, specifically with respect to count one, the  
16 government would have to prove that during the time period  
17 specified, that you did knowingly act in a way to demand and  
18 receive things of value; that you were a Colombian law  
19 enforcement official, as noted; and that you acted corruptly  
20 in return for being influenced in the performance of your  
21 official duties or failing to act in your official duty.

22                   If the government failed to present sufficient  
23 evidence on every part of this charge, the jury would have  
24 the duty to find you not guilty. And, likewise, if the  
25 government failed to present beyond a reasonable doubt each

1 and every part of the second charge regarding witness  
2 retaliation, the jury would find you not guilty on that  
3 charge.

4                   Do you understand?

5                   THE DEFENDANT: Yes, your Honor.

6                   THE COURT: In the course of a trial, witnesses  
7 for the government would have to come to court and testify  
8 in your presence. Your lawyer would have the right to  
9 cross-examine the witnesses for the government, to object to  
10 evidence offered by the government, and to offer evidence in  
11 your behalf.

12                  Do you understand?

13                  THE DEFENDANT: Yes, your Honor.

14                  THE COURT: Although you have the right to testify  
15 at trial, you cannot be compelled to testify and incriminate  
16 yourself. If you decided not to testify, the Court would  
17 instruct the jury that they could not hold that against you.

18                  Do you understand?

19                  THE DEFENDANT: Yes, your Honor.

20                  THE COURT: If you plead guilty, I will ask you  
21 questions about what you did in order to satisfy myself that  
22 you guilty of the charge to which you seek to plead guilty,  
23 and you will have to answer my questions and acknowledge  
24 your guilt. Thus, you will be giving up the right that I've  
25 just described, that is the right not to say anything that

1 would show you are guilty of the crime with which you are  
2 charged.

3 Do you understand?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: If you plead guilty and the Court  
6 accepts your guilty plea, you will be giving up your right  
7 to a trial and all the other rights I've just discussed.  
8 There will be no trial, and the Court will simply enter a  
9 judgment of guilty based on your plea.

10 Do you understand?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Are you willing to give up your right  
13 to a trial and the other rights I have just discussed with  
14 you?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: I have in my hand a 14-page document  
17 with respect to your guilty plea, and this agreement has  
18 been marked Court Exhibit 1 because I understand you will be  
19 pleading guilty pursuant to this written agreement.

20 Could you please take a look at Court Exhibit 1.

21 THE INTERPRETER: Your Honor, the interpreter  
22 requests everyone to raise their voices please.

23 THE COURT: Okay. My judicial mumble is worse  
24 than usual.

25 Have you had an opportunity to read Court Exhibit

1 in its entirety?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Have you discussed it fully with your  
4 attorney?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Do you understand each and every  
7 provision of this agreement?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Have there been any portions of the  
10 agreement that you've had difficulty understanding without  
11 an assistance of an interpreter?

12 THE DEFENDANT: No, your Honor.

13 THE COURT: So you feel you need to have each and  
14 every provision of this agreement translated for you?

15 THE DEFENDANT: No, your Honor.

16 THE COURT: Now, this agreement provides that you  
17 will plead guilty to the charges in the information we  
18 discussed. It sets forth various sentencing considerations  
19 and other terms with respect to your guilty plea.

20 Is that your signature on page 14 of the  
21 agreement?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Does the agreement as written fully  
24 and accurately reflect your understanding of the agreement  
25 that you've reached with the government?

1                   THE DEFENDANT: Yes, your Honor.

2                   THE COURT: Other than the promises contained in  
3 this written agreement, has anyone made any other promises  
4 that have caused you to plead guilty?

5                   THE DEFENDANT: No, your Honor.

6                   THE COURT: Has anyone made any promises as to  
7 what your sentence will be?

8                   THE DEFENDANT: No, your Honor.

9                   THE COURT: Then let me discuss with you the  
10 consequences of pleading guilty.

11                  The statute you're accused of violating in count  
12 one of the superceding information provides for a term of  
13 imprisonment from zero to 15 years for bribery. And in  
14 count two, you're charged with witness retaliation. The  
15 applicable statute provides for a term of imprisonment from  
16 zero to 20 years.

17                  As set forth in the plea agreement, any sentence  
18 imposed on these two counts could be imposed to run  
19 consecutively. In determining the sentence to impose, Judge  
20 Johnson will consider the guidelines issued by the United  
21 States Sentencing Commission and the other factors specified  
22 by Section 3553 of the Criminal Code to determine whether to  
23 impose a sentence within the guideline range.

24                  The other facts that he will consider include the  
25 nature and circumstances of the crimes committed, your

1 characteristics and criminal history, and the public  
2 interest in the sentence. Prior to sentencing, the Court  
3 will receive a pre-sentence report containing information  
4 about those factors and the applicable sentencing  
5 guidelines. You and your lawyer will have the opportunity  
6 to see that report and to speak on your behalf at  
7 sentencing.

8 Do you understand?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Have you discussed the sentencing  
11 commission guidelines with your attorney and how they might  
12 apply to your case?

13 THE DEFENDANT: No, your Honor.

14 MS. DEBLASIO: Perhaps your Honor could ask the  
15 question again. We've had a lot of discussions about the  
16 guidelines, so I imagine he didn't understand the question.

19 THE COURT: I'm sorry. Let me ask the question  
20 again.

21                   Have you discussed the sentencing guidelines that  
22 may be applicable to your case?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: As the plea agreement makes clear, the  
25 guidelines are advisory; and as I've mentioned, it will be

1 based on a number of factors that are specified by statute.

2 I would like the attorneys here, if they are able  
3 to, to give me their best estimate of what the likely range  
4 of sentencing guideline will be in this case.

5 MS. POKORNY: Your Honor, I came up with a  
6 ballpark estimate of an adjusted offense level of 38, which  
7 in criminal history one would carry a guideline range of 168  
8 to (ui) months.

9 MS. DEBLASIO: And if I may, our guideline  
10 calculation is quite a bit lower. There may be some double  
11 counting, whether the statute would charge him as an  
12 official, then they would have the adjustment for him being  
13 an official act. So there's a reasonable amount of  
14 discrepancy over the possibility, but if you ask for a  
15 range, I would say 28 to 38.

16 THE COURT: And that would result in a sentencing  
17 range of what? Let me see.

18 MS. DEBLASIO: A level 28 is 78 to 97 months.

19 THE COURT: Right, okay.

20 Now, as you can see the calculation of the  
21 guidelines is complicated, and ultimately those calculations  
22 that you heard the attorneys estimate could be wrong or  
23 could change based on new facts obtained and new  
24 circumstances. Until a pre-sentence report is prepared and  
25 the Court hears from you, your lawyer, and the government

1 attorney at sentencing, we will not know with any certainty  
2 what the guidelines will be or whether or not there will be  
3 grounds to depart from them, or whether or not Judge Johnson  
4 will impose a sentence within the guideline or a non-  
5 guideline sentence.

6 Do you understand?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: What's important to keep in mind,  
9 though, is irrespective of the guideline range he determines  
10 and the sentence he imposes, you have agreed to plead  
11 guilty. So if your sentence is higher than recommended or  
12 expected, you will not be able to withdraw your guilty plea.

13 Is that clear?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: In addition to imprisonment, you may  
16 be sentenced to supervised release. Supervised release  
17 means that after you are released from prison, your  
18 activities will be supervised by the probation department,  
19 and there may be many restrictions placed on your liberty,  
20 such as travel limitations, requirements that you report  
21 regularly to a probation officer, prohibitions on carrying  
22 guns, and the like.

23 And if you are deported or removed from the United  
24 States, and that is also a circumstance that's discussed in  
25 the plea agreement, a condition of supervised release could

1 be that you not reenter the United States.

2                   Do you understand the nature of supervised  
3 release?

4                   THE DEFENDANT: Yes, your Honor.

5                   THE COURT: The applicable statutes provide for a  
6 supervised release term with respect to each count of up to  
7 three years.

8                   What's important to keep in mind is that if you  
9 violate the conditions of release, you could be returned to  
10 prison for up to two years of any supervised release term  
11 imposed on each count, even if the violation occurs close to  
12 the end of the supervised period. That means that if you  
13 don't follow the conditions of supervised release, your  
14 prison term could be substantially lengthened.

15                   Do you understand

16                   THE DEFENDANT: Yes, your Honor.

17                   THE COURT: You also could be subject to a  
18 criminal fine, and the applicable statue provides for a  
19 maximum fine of up to \$250,000 on each count.

20                   In addition, the government is seeking criminal  
21 forfeiture of property relating to your unlawful conduct  
22 charge. The plea agreement has certain provisions  
23 specifically addressing forfeiture, and you have agreed in  
24 your agreement to a forfeiture judgment of \$10,000 to be  
25 paid within the time frame set forth in paragraph 10 of the

1       plea agreement, as well as forfeiture of watches seized by  
2       law enforcement officers at the time of your arrest. You've  
3       agreed that you will forfeit all of this property.

4                   Do you understand that?

5                   THE DEFENDANT: Yes, your Honor.

6                   MS. POKORNY: Your Honor, may I add something  
7       about the fine on count one, the bribery?

8                   THE COURT: Yes.

9                   MS. POKORNY: The fine could be \$250,000 or three  
10       times the value of the property.

11                  THE COURT: You're actually right. Do you  
12       understand that?

13                  THE DEFENDANT: Yes, your Honor.

14                  THE COURT: Do you have any reason to believe that  
15       the amount of the value of the bribe would exceed \$250,000?

16                  MS. POKORNY: Yes.

17                  THE COURT: So it means at a minimum, based on  
18       what I'm hearing, you could be subject to a maximum fine in  
19       excess of \$750,000.

20                  THE DEFENDANT: Yes, your Honor.

21                  THE COURT: You will also be required to pay a  
22       special assessment of \$100 for each count. And you may be  
23       required to pay restitution.

24                  Do you have any estimate on that?

25                  MS. POKORNY: No, your Honor.

1                   THE COURT: Okay. Would there be any restitution  
2 with respect to count one beyond the amount of the bribe?

3                   MS. POKORNY: No.

4                   THE COURT: With count two, would there be  
5 restitution to the victim?

6                   MS. POKORNY: Yes. There could be restitution to  
7 the victim's family.

8                   THE COURT: For injuries sustained?

9                   MS. POKORNY: Yes, exactly.

10                  THE COURT: Do you understand that?

11                  THE DEFENDANT: Yes, your Honor.

12                  THE COURT: Last, as I mentioned earlier, you  
13 would be subject to removal. As the plea agreement makes  
14 clear, your guilty plea to the two counts in this case, and  
15 more particularly the first count, will result in very  
16 serious immigration consequences.

17                  The removal from the United States -- oh, actually  
18 both counts -- is presumptively mandatory with respect to  
19 the two charges. And so you are certain to be removed from  
20 the United States, and there's very little likelihood that a  
21 non-citizen so removed will be able to obtain any relief  
22 from removal or permission to be readmitted into the United  
23 States in the future.

24                  Do you understand?

25                  THE DEFENDANT: Yes, your Honor.

1                   THE COURT: If after you are sentenced you or your  
2 attorney think that the Court has not properly followed the  
3 law in sentencing you, you have the right to appeal your  
4 sentence to a higher court. However, by pleading guilty,  
5 you will not, except in very limited circumstances, to be  
6 able to challenge your judgment of conviction.

7                   Do you understand?

8                   THE DEFENDANT: Yes, your Honor.

9                   THE COURT: Do you have any questions you would  
10 like to ask me about the charges, your rights, or anything  
11 else relating to this matter?

12                  THE DEFENDANT: No, your Honor.

13                  THE COURT: Is everything clear to you?

14                  THE DEFENDANT: Yes, your Honor.

15                  THE COURT: Ms. DeBlasio, do you know of any  
16 reason why your client should not enter a plea of guilty to  
17 the charges?

18                  MS. DEBLASIO: No. I know of no reason, your  
19 Honor.

20                  THE COURT: Are you aware of any viable legal  
21 defenses?

22                  MS. DEBLASIO: No, your Honor.

23                  THE COURT: Mr. Mesa Carrillo, are you ready to  
24 plead?

25                  THE DEFENDANT: Yes, your Honor.

1                   THE COURT: How do you plead to the charge in  
2 count one of the superceding information; guilty or not  
3 guilty?

4                   THE DEFENDANT: Guilty.

5                   THE COURT: How do you plead to the charge in  
6 count two of the information?

7                   THE DEFENDANT: Guilty.

8                   THE COURT: Are you making your plea of guilty  
9 voluntarily and of your own free will?

10                  THE DEFENDANT: Yes, your Honor.

11                  THE COURT: Has anyone threatened or forced you to  
12 plead guilty?

13                  THE DEFENDANT: No, your Honor.

14                  THE COURT: Other than the written agreement  
15 marked Court Exhibit 1, which we discussed previously, has  
16 anyone made you any promises that caused you to plead  
17 guilty?

18                  THE DEFENDANT: No, your Honor.

19                  THE COURT: Has anyone made you any promise about  
20 the sentence you will receive?

21                  THE DEFENDANT: No, your Honor.

22                  THE COURT: Then I would like you to describe  
23 briefly in your own words what you did in connection with  
24 the crimes charged. Start with count one concerning  
25 bribery.

1                   THE DEFENDANT: Having been an officer of the  
2 Colombian Police working in a special task force against  
3 trafficking, I met a trafficker and I received from him  
4 different presents as watches, jewelry, a computer, a car,  
5 and cash.

6                   THE COURT: Now, was this task force a task force  
7 of the United States?

8                   THE DEFENDANT: We were working in coordination  
9 with the DEA and with American Embassy in Colombia.

10                  THE COURT: Did you do anything in return for the  
11 property you received?

12                  THE DEFENDANT: In return for the money, I  
13 promised not to arrest them and give them information in  
14 regards to any investigation that might be conducted.

15                  THE DEFENDANT: Did these transactions with the  
16 trafficker take place between January 1, 1995 and January  
17 31, 2007?

18                  THE DEFENDANT: Yes, your Honor.

19                  THE COURT: Did any of the transactions involve  
20 the Eastern District of New York?

21                  MS. POKORNY: Yes, your Honor. The drug  
22 trafficking organization that the defendant is referring to  
23 is one that was under investigation and was indicated in the  
24 Eastern District of New York.

25                  THE COURT: Do you agree that the organization

1 that the trafficker was involved in had activities that were  
2 conducted in the Eastern District of New York?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Tell me what you did in connection  
5 with the charge in count two.

6 THE DEFENDANT: I gave information to the  
7 trafficker in the previous charge, information relative to  
8 people who were visiting another trafficker who was given  
9 information here in the United States. Knowing that the  
10 person to whom I gave that information, it's a person of  
11 violence, and who could have taken some retaliatory measures  
12 against that person.

13 THE COURT: Now, let me just make clear. You  
14 provided information about a woman who was providing  
15 information to law enforcement?

16 THE DEFENDANT: I find out that a female is going  
17 to travel to the United States possibly to cooperate with  
18 another trafficker who was giving information to the  
19 American government.

20 THE COURT: Okay. And you provided information  
21 about this woman who was traveling to the United States?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: To someone who might retaliate against  
24 her?

25 THE DEFENDANT: I didn't understand.

1                   THE COURT: You said you gave information to  
2 someone who might take action against this woman?

3                   THE DEFENDANT: No.

4                   THE COURT: Okay. Tell me what you --

5                   THE DEFENDANT: I gave information to a Colombian  
6 trafficker about the fact that that female could be helping  
7 the American government in the future with some information,  
8 knowing that the person to whom I gave that information,  
9 because this person was a violent person, could have taken  
10 retaliation against this female.

11                  THE COURT: Would retaliate against her. Okay.

12                  Now, did this activity take place between January  
13 1, 1995 and January 31, 2007?

14                  THE DEFENDANT: Yes, your Honor.

15                  THE COURT: I'll hear from Ms. Pokorny as to the  
16 connection with this district.

17                  MS. POKORNY: The trafficker that he provided the  
18 information to was then the same trafficker who is charged  
19 in the Eastern District of New York. And I would add to the  
20 element of causing bodily injury, that, in fact, that drug  
21 organization did kidnap her and during the course of the  
22 kidnaping -- attempted kidnaping I should say -- she was  
23 killed.

24                  THE COURT: Okay. Are you able to confirm any of  
25 what Ms. Pokorny said about the drug trafficker, that his

1 activities took him to the United States, and more  
2 specifically, to this district?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Are you aware of the bodily harm  
5 caused to this woman as a result of the information you  
6 gave?

7 THE DEFENDANT: No, your Honor. I found out once  
8 I was in the states.

9 THE COURT: Okay. Is there anything else?

10 MS. POKORNY: No, your Honor.

11 THE COURT: Then based on the information given to  
12 me, I find that the defendant is acting voluntarily, that he  
13 fully understands the charges in the information, his rights  
14 and the consequences of his plea, and there is a factual  
15 basis for his guilty pleas to both counts. I therefore  
16 recommend to Judge Johnson to accept Mr. Mesa Carrillo's  
17 plea of guilty to the charges in the superseding  
18 information.

19 Has there been a sentencing date set?

20 THE CLERK: Yes, October 21<sup>st</sup>, 2010 at 9:30, before  
21 Judge Johnson.

22 MS. POKORNY: Thank you, Judge.

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I certify that the foregoing is a correct transcript  
from the electronic sound recording of the proceedings in  
the above-entitled matter.



ELIZABETH BARRON

August 2, 2010